

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 168**

April 8, 2021

**SUMMARY OF BILL:** Enhances certain cock fighting offenses to a Class E felony. Specifies the fine for the Class A misdemeanor offense of being knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for the fighting, baiting, or injuring of any animal, with the intent to be present at such exhibition, fighting baiting, or injuring is not less than \$1,000 nor more than \$2,500.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$141,100 Incarceration\***

**Decrease Local Expenditures – \$11,500/FY21-22 and Subsequent Years**

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-14-203(c)(2), it is a Class A misdemeanor offense to:
  - Own, possess, keep, use or train any cock for the purpose of fighting, bating or injuring another such animal, for amusement, sport or gain;
  - Cause, for amusement, sport, or gain, a cock to fight, bait, or injure another animal, or each other; and
  - Permit either of the aforementioned acts to be done on any premises under the person's charge or control, or aid or abet those acts.
- The proposed legislation enhances such offenses to a Class E felony.
- Based on information provided by Administrative Office of the Courts, there has been an average of 21 Class A misdemeanor convictions for fighting or baiting exhibitions each year over the past five years. This analysis assumes that only 10 percent of misdemeanor convictions are at the state court level. As a result, it is estimated that there is a total of 210 convictions ( $21 / 10\% = 210$ ) per year for misdemeanor violations of Tenn. Code Ann. § 39-14-203.
- The proposed legislation will result in 5 percent, or 10.5 ( $210 \times 5\%$ ), of such convictions being enhanced to Class E felony admissions.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.80 percent per year for each of the past 10 years (from 2009 to 2019), yielding a projected compound population growth rate of 8.3 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 1 ( $10.5 \times 8.3\%$ ) additional admissions for a total of 12 ( $10.5 + 1.0$ ).

- According to the DOC, 30.79 percent of offenders will re-offend within one year of their release. A recidivism discount of 30.79 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation (12 offenders x 30.79% = 4 offenders).
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class E felony is 0.60 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, 8 (12 – 4 recidivism discount) offenders will be admitted every year serving 219.15 days (0.60 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$141,062 (\$80.46 x 219.15 x 8).
- This analysis assumes individuals convicted of a Class A misdemeanor offense of cockfighting are spending an average of 15 days in local jail.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- The proposed legislation will result in a recurring decrease in local incarceration expenditures estimated to be \$11,498 (\$73 x 10.5 offenders x 15 days) in FY21-22 and subsequent years.
- Based on the Fiscal Review Committee’s 2008 study and the Administrative Office of the Courts’ 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly increase state or local revenue.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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